

the subject of the current initial periodic review.

§ 1534.3 Initial stage of complaint investigation.

(a) Complaints alleging violation of these regulations, in the nature of employment discrimination, will be handled by the Equal Employment Opportunity Commission (EEOC) with OFI coordination, pursuant to the Memorandum of Understanding informally agreed to and, after public comment, planned to be signed into effect by the two agencies.

(1) The EEOC will process all complaints alleging employment discrimination within its jurisdiction. All other complaints will be processed, pursuant to paragraph (b) of this section.

(2) Under the MOU the OFI may become involved in two specific aspects of employment discrimination proceedings handled by the EEOC. First, where it appears that the EEOC's efforts at conciliation may fail, the OFI may then attempt such conciliation. Second, when EEOC and OFI efforts at conciliation have failed the OFI, after consultation with the EEOC, may pursue its own enforcement action.

(b) For all other complaints alleging violation of these regulations, the OFI will, within 35 calendar days of receipt, notify the pertinent recipient, contractor, or subcontractor by letter (appended to which will be a copy of the complaint) of the initiation of an investigation. For complaints just against a contractor and/or subcontractor, the OFI will also forward a copy of the complaint and notice to the corresponding recipient. At the same time the OFI will notify the complainant of this action and the procedures to be followed. Complaints to be investigated by the OFI must be in writing and contain the following:

- (1) Name, address, and telephone number of the complainant;
- (2) Name and address of the recipient, contractor, or subcontractor charged by the complainant;
- (3) Description of the acts alleged to violate these regulations; and
- (4) Any other pertinent information.

(c) The contents of the letter initiating investigation, issued under paragraph (b) of this section, as well as the

remaining procedures for complaint investigation, are detailed in § 1534.4 immediately below.

§ 1534.4 Procedures for determination of compliance or noncompliance and for conciliation.

(a) This Section governs how the OFI will process cases of possible noncompliance, whether generated through compliance review or complaint investigation, initiated under §§ 1534.2 and 1534.3 respectively.

(b) Upon finding reasonable cause to believe that there is noncompliance, during compliance review, or upon initiating investigation, after receipt of a complaint, the OFI will first notify the potentially noncompliant recipient, contractor, or subcontractor of the following:

- (1) A request for pertinent information and data;
- (2) A statement of the practices to be reviewed, and the programs or activities affected by the compliance review or complaint investigation;
- (3) An opportunity to respond in writing:
 - (i) To explain, support, or otherwise address the practices to be reviewed or
 - (ii) To rebut or deny the allegations made in the complaint; and
- (4) The schedule for review or investigation, including formal on-site review or investigation to commence 15 calendar days after the notice.

(c) Within 30 calendar days of completion of the formal on-site review or investigation (which itself will be conducted expeditiously by the OFI but under no set timetable), conducted as per paragraph (b)(4) of this section, the OFI will notify the pertinent recipient, contractor, or subcontractor in writing of:

- (1) Preliminary findings as to compliance or noncompliance; any complainant will receive notice of the preliminary findings;
- (2) Where appropriate, recommendations for achieving voluntary compliance;
- (3) The opportunity to request that the OFI engage in voluntary compliance negotiations (to be completed within 20 calendar days of this written notice) prior to a final determination of compliance or noncompliance; and